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*Attorneys for Bank of America, N.A.*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

BANK OF AMERICA, N.A.

Plaintiff,

v.

MOUNTAIN GATE HOMEOWNERS'  
ASSOCIATION; SILVER STREAM  
ADVISORS, LLC; and ABSOLUTE  
COLLECTION SERVICES, LLC,

Defendants.

Case No. 2:16-cv-00314-RFB-PAL

**STIPULATION AND ORDER OF FINAL  
JUDGMENT CONFIRMING EXISTENCE  
AND VALIDITY OF DEED OF TRUST**

Plaintiff Bank of America, N.A (“BANA”) and defendants Mountain Gate at Sunrise Mountain Homeowners Association, incorrectly named as Mountain Gate Homeowners Association (“Mountain Gate”), Absolute Collection Services, LLC (“ACS”), and Silver Stream Advisors, LLC (“Silver Stream”), through their counsel of record, stipulate as follows:

1. This matter relates to real property located 5981 Dronberger Way, Las Vegas, Nevada 89110, APN 140-34-412-086 (the "Property"). The Property is more specifically described as:

LOT ONE HUNDRED SEVENTY-FIVE (175) OF ABC  
DEVELOPMENT AT SUNRISE MOUNTAIN, AS SHOWN MY MAP  
THEREOF ON FILE IN BOOK 100 OF PLATS PAGE 34, IN THE  
OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY,  
NEVADA.

APN: 140-34-412-086

2. BANA is the beneficiary of record of a Deed of Trust that encumbers the Property and was recorded on June 30, 2009, as Document Number 20090630-0004874 in the Official Records of Clark County, Nevada (the "Deed of Trust").

3. On January 4, 2013, Mountain Gate recorded a Trustee's Deed Upon Sale as Instrument Number 20130104-0001035 of the Official Records of Clark County, Nevada (the "HOA Foreclosure Deed"), reflecting that Mountain Gate purchased the Property at a foreclosure sale of the Property held November 6, 2012 (the "HOA Sale").

4. Mountain Gate transferred its interest in the Property to Silver Stream by Quit Claim Deed recorded in the Clark County recorder's office on July 30, 2014 as Instrument No. 20140730-0002536;

5. On February 17, 2016, BANA initiated an action for quiet title and damages against Mountain Gate, Silver Stream, and ACS in the United States District Court, District of Nevada, Case No. 2:16-cv-00314 (the "Quiet Title Action").

6. The Parties have entered a settlement agreement in which BANA has resolved all claims against Mountain Gate, Silver Stream, and ACS.

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APN 140-34-412-086

7. The parties have agreed as part of their settlement agreement, and the Court incorporates that agreement and its provision, that the Deed of Trust survived and was not extinguished in any capacity by the HOA Sale, the recording of the HOA Foreclosure Deed, or the recording of the Quit Claim Deed to Silver Stream. The Deed of Trust remains a valid encumbrance against the Property following the recording of the HOA Foreclosure Deed, and Silver Stream's interest in the Property is subject to the Deed of Trust. This stipulation is made for purposes of this action only and is not a waiver by any Party of its legal position in any other case or an admission of liability in this or any other action.

DATED this 1st day of August, 2018.

**AKERMAN LLP**

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*Attorney for Mountain Gate Homeowners Association*

**ORDER**

Based on the above stipulation between Plaintiff Bank of America, N.A. ("BANA") and defendants Mountain Gate at Sunrise Mountain Homeowners Association, incorrectly named as Mountain Gate Homeowners Association ("Mountain Gate"), Silver Stream Advisors, LLC ("Silver Stream") and Absolute Collection Services, LLC ("ACS") the Parties' agreement, and good cause appearing therefore,

IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County, Nevada against the real property located at 5981 Dronberger Way, Las Vegas, Nevada 89110, APN 140-34-412-086 (the "Property") on June 30, 2009, as Document Number 20090630-0004874 was not extinguished, impaired, or otherwise affected by the foreclosure sale conducted by Mountain Gate on November 6, 2012 or the recording of the Foreclosure Deed in the Official Records of Clark County, Nevada, on January 4, 2013, as Document Number 20130104-0001035, reflecting that Mountain Gate purchased the Property at the foreclosure sale, or the recording of the Quit Claim Deed in the Official Records of Clark County, Nevada on July 30, 2014 as Instrument No. 20140730-0002536, reflecting that Mountain Gate transferred its interest in the Property to Silver Stream. Silver Stream's interest in the Property is subject to the Deed of Trust.

IT IS FURTHER ORDERED that BANA shall be entitled to record this STIPULATION AND ORDER OF FINAL JUDGMENT CONFIRMING EXISTENCE AND VALIDITY OF DEED OF TRUST in the Official Records of Clark County, Nevada in accordance with the rules of the Recorder's Office.

IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court, resolving all claims in this case with prejudice, each party to bear its own fees and costs.

IT IS SO ORDERED:

  
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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE

DATED this 8th day of August, 2018.

APN 140-34-412-086